

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re Renewed Application Of

JUAN MARIA ALTGELT

Applicant

pursuant to 28 U.S.C. § 1782
For Judicial Assistance in Obtaining
Evidence For Use in Foreign and International
Proceedings.

Case No. 21-0004

STATUS REPORT

Pursuant to the Court's Order entered on March 18, 2021 [DE 3], Juan Maria Altgelt ("Applicant") submits this Status Report and states as follows:

1. This Court entered an Order on February 11, 2021 [DE 2] granting Applicant's Renewed Application Pursuant to 28 U.S.C. § 1782 and Request for Oral Argument (the "Order"). Paragraph 4 of the Order requires that Applicant serve a copy of the authorized subpoenas on the Discovery Targets (as defined in the Order) along with a copy of the Order. [DE 2 ¶ 4.] The Order further requires that "[w]ithin 5 days after service is made, copies of the subpoena and this Court's Order must be served on counsel for Maria Isabel de Narvaez in the Argentinian proceeding by email in PDF format from Applicant's United States' Counsel and by regular mail from Applicant's Argentinian counsel."

2. To date, Applicant has not been able to serve the Discovery Targets with the authorized subpoenas and the Order despite his diligent efforts to do so.

3. Prior to filing his Renewed Application for relief pursuant to § 1782, Applicant conducted a search of public information to confirm the Discovery Targets' home address. As

described in the Renewed Application and supporting materials, the Discovery Targets are husband and wife and reside at 7763 Carlton Road, Coopersburg, Pennsylvania, USA 18036. Once the Order was granted, Applicant promptly employed the services of a private process server to effectuate service of the subpoenas and the Order on the Discovery Targets at their home address. Applicant has carefully monitored the status of service and requested multiple updates from the process server.

4. The process server first attempted service on the Discovery Targets on February 26, 2021. According to the process server, the Discovery Targets' home is surrounded by a fence with a call box at the entrance. The process server informed the undersigned that he spoke with the Discovery Target, Allison Kaye Deutsch, via the call box and that she told the process server to "go away" and that she would not open the gate. By affidavits dated March 10, 2021, the process server confirmed that he had been turned away and that the Discovery Targets are evading service.¹

5. Upon learning that the Discovery Targets are evading service, Applicant has researched other methods to serve the Discovery Targets in compliance with Pennsylvania law, including the use of a "stakeout" method to serve the Discovery Targets when they leave their home and service of the subpoenas and Order via the local sheriff's office in Lehigh County. Applicant has transmitted the documents to be served² and is actively working with the Lehigh County Sheriff's Office to serve the Discovery Targets as soon as possible. The Lehigh County Sheriff's Office has advised that service may take about one month due to limited staffing and delays due to COVID-19.

¹ The referenced affidavits are attached as **Composite Exhibit "1"**.

² Copies of the subpoenas and the Order were delivered to the Lehigh County Sheriff's Office on the morning of March 23, 2021.

6. In the meantime, Applicant has continued efforts to serve the Discovery Targets with the assistance of the private process server. Specifically, Applicant asked the process server to make another service attempt last week. The process server made two additional, unsuccessful attempts to serve the Discovery Targets at their home—once on March 20, 2021 and another on March 21, 2021. The process server stated that there is an intercom and camera at the gate of the Discovery Targets' home and that neither Discovery Target answered the intercom. The process server will make an additional service attempt today, March 23, 2021. As described in paragraph 8, *infra*, Applicant is prepared to submit additional status reports describing the outcomes of ongoing service attempts.

7. Applicant's Argentine counsel is aware of the Court's Order and its requirements and is prepared to comply with the Order as it pertains to Argentina as soon as service on the Discovery Targets is accomplished. Once the Order's service requirements are completed, Applicant will file the certification of service required by paragraph 4 of the Order.

8. Applicant respectfully requests that the Court allow the ongoing attempts to serve the subpoenas and Order on the Discovery Targets to continue for an additional thirty (30) days from the date of this filing. It is Applicant's hope that service will be accomplished during that period either through the private process server or with the assistance of the Lehigh County Sheriff's Office. In the interim, Applicant is prepared to file additional status reports as may be required by the Court, including the submission of a letter to the Court within the next two (2) weeks providing an update on the efforts of the process server and/or the Lehigh County Sheriff's Office, if any.³

³ Alternatively, Applicant respectfully reserves the right to come before the Court on a motion for additional time to effect service beyond the thirty days requested here and setting forth good faith

Dated: March 23, 2021

**SHERMAN, SILVERSTEIN, KOHL,
ROSE & PODOLSKY, P.A.**

By: s/Bruce S. Luckman
Bruce S. Luckman, Esquire (38636)
308 Harper Drive, Suite 200
East Gate Corporate Center
Moorestown, New Jersey 08057
Telephone: (856) 662-0700
Facsimile: (856) 488-4744

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via electronic filing using the CM/ECF system with the Clerk of the Court which sent e-mail notification of such filing to all CM/ECF participants in this case on March 23, 2021.

s/Bruce S. Luckman
Bruce S. Luckman, Esquire

grounds for such additional extension or why authorization to effect service by alternate means may be necessary and proper under the circumstances and applicable rules.

Exhibit “1”

AO 88 (11/91) Subpoena in a Civil Case

PROOF OF SERVICE



SERVED	DATE: 2/26/2021 @ 3:28 P.M.	PLACE: 7763 CARLTON ROAD COOPERSBURG PA 18036	20210223162315
SERVED ON: ROBERT BRINK ACCEPTED BY: RELATIONSHIP/TITLE:		MANNER OF SERVICE: RULE 45, FEDERAL CIVIL RULE SERVING: SUBPOENA, DOCUMENTS REQUIRED	
SERVED BY		TITLE PROCESS SERVER	

DECLARATION OF SERVER

Description of Person Receiving Document(s):

SEX: _____ AGE: _____ HEIGHT: _____ WEIGHT: _____ SKIN: _____ HAIR: _____ OTHER: _____

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service.
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Certification of Service is true and correct.

*INDIVIDUAL IS EVADING SERVICE, WAS TOLD TO GO AWAY AND WOULDN'T OPEN GATE TO ALLOW ENTRY.

SIGNATURE OF ROBERT WAGNER L.S.
GUARANTEED SUBPOENA SERVICE, INC.
2009 MORRIS AVENUE
UNION, NJ 07083

KYLE M. KAULFERS

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 29, 2022

EXECUTED ON: 3/10/2021

ATTORNEY: BRUCE S. LUCKMAN, ESQ.
PLAINTIFF: IN RE: JUAN MARIA ALTGELT
DEFENDANT: NA
VENUE: DISTRICT
DOCKET: 5 21 MC 0004 CFK
FEE: 0.00

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person,

except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events of occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assure that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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Plaintiff: IN RE: JUAN MARIA ALTGELT
Defendant: NA
Attorney: BRUCE S. LUCKMAN, ESQ. Phone: 8566620700 Fax: 8566612080 Email:
Firm: SHERMAN, SILVERSTEIN, KOHL, ROSE & PODOLSKY, P.A.
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AUTHORIZATION FOR ADVANCED SEARCH

Note: all investigative work is performed by Spartan Detective Agency, NJ License 2392

To order search check desired box, sign authorization and fax back to us immediately at **888-224-4405**

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☒ * Affidavit of Due Diligence \$40 NJ only, \$55 other states

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We were unable to serve your process for the following reason: ENTITY EVADING

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The specific reasons for failure to serve are available from us in an Affidavit Form, Signed and Notarized for \$40 in NJ and \$55 in all other states.
Check the box above and return for the affidavit.

AO 88 (11/91) Subpoena in a Civil Case

PROOF OF SERVICE



SERVED	DATE: 2/26/2021 @ 3:28 AM.	PLACE: 7763 CARLTON ROAD COOPERSBURG PA 18036	20210223161455
SERVED ON: ALLISON KAYE DEUTSCH		MANNER OF SERVICE: RULE 45, FEDERAL CIVIL RULE	
ACCEPTED BY:		SERVING: SUBPOENA, DOCUMENTS REQUIRED	
RELATIONSHIP/TITLE:			
SERVED BY		TITLE <u>PROCESS SERVER</u>	

DECLARATION OF SERVER

Description of Person Receiving Document(s):

SEX: ____ AGE: ____ HEIGHT: ____ WEIGHT: ____ SKIN: ____ HAIR: ____ OTHER: ____

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service.
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2009 MORRIS AVENUE
UNION, NJ 07083

10 MARCH 2021

[Signature]

EXECUTED ON: 3/10/2021

ATTORNEY: BRUCE S. LUCKMAN, ESQ.
PLAINTIFF: IN RE: JUAN MARIA ALTGELT
DEFENDANT: NA
VENUE: DISTRICT
DOCKET: 5 21 MC 0004 CFK
FEE: 0.00

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NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 29, 2022

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Defendant: NA
Attorney: BRUCE S. LUCKMAN, ESQ. Phone: 8566620700 Fax: 8566612080 Email:
Firm: SHERMAN, SILVERSTEIN, KOHL, ROSE & PODOLSKY, P.A.
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Check the box above and return for the affidavit.